

REPORT AND DECISION ON THE FIRST AMENDMENT TO
AN APPLICATION FOR AUTHORIZATION AND APPROVAL
OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL
LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND
CHAPTER 652 OF THE ACTS OF 1960 AND FOR CONSENT
TO THE FORMATION OF MASS. PIKE TOWERS ASSOCIATES

The "Application for Authorization and Approval of a Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for Consent to the Formation of Mass. Pike Towers Associates" was approved by the Boston Redevelopment Authority by its Report and Decision on February 25, 1971. The Report and Decision was approved by His Honor, the Mayor of the City of Boston, on March 1, 1971.

The First Amendment to "Exhibit E" of the aforementioned Application; "Statement of Permissions Required For Project to Deviate From Zoning and Other Laws", to permit the 121A Corporation to authorize occupancy of Bay G-14 at 350 Tremont St., as a "Take-Out Pizza Restaurant", a conditional use under the Boston Zoning Code. A deviation from the Zoning Code is necessary and is properly effected through an Amendment to the Application. The Authority approves the deviation to allow the "Take-Out Pizza Restaurant" subject to certain reservations and conditions which are set forth in the Amendment. The Amendment is to be made by modifying "Exhibit E" to the Application.

The Authority is satisfied that the proposed Amendment does not represent a fundamental change nor substantially or materially alter or affect the Application, or the Project and therefore does not require a public hearing.

Accordingly, the Application and the Report and Decision are hereby amended as follows:

1. The Application is amended by adding after Article "I Zoning" at Page 11 of "Exhibit E" to the Application a new paragraph, under said Article I, which reads as follows:

"The Authority authorizes the Applicant to install in Bay G-14, 350 Tremont Street, Boston; floors, walls, ceiling surface finish materials, electrical, mechanical, heating, plumbing, and ventilation systems necessary and appropriate to the operation of a small, neighborhood "Take-Out Restaurant" together with all normally associated equipment therefor. The Applicant will also add counters, stools, tables, and chairs for food to be consumed on the premises and will provide a cigarette and candy vending machine. The Authority authorizes only a strictly local amenity. No music, juke-boxes, or similar entertainment are to be provided and the lease arrangement will be such as to insure that the restaurant will be entirely compatible with the tone of the Project as a residential community. Said restaurant to be constructed in accordance with the plans submitted to and approved by the Authority."

2. The Report and Decision is amended by adding at page 5 after Article "I Zoning" the following new paragraph as follows:

"The Authority authorizes the Applicant to install in Bay G-14, 350 Tremont Street, Boston; floors, walls, ceiling surface finish materials, electrical, mechanical,

heating, plumbing, and ventilation systems necessary and appropriate to the operation of a small, neighborhood "Take-Out Restaurant" together with all normally associated equipment therefor. The Applicant will also add counters, stools, tables, and chairs for food to be consumed on the premises and will provide a cigarette and candy vending machine. The Authority authorizes only a strictly local amenity. No music, juke-boxes, or similar entertainment are to be provided and the lease arrangement will be such as to insure that the restaurant will be entirely compatible with the tone of the Project as a residential community. Said restaurant to be constructed in accordance with the plans submitted to and approved by the Authority."

FIRST AMENDMENT TO AN APPLICATION FOR AUTHORIZATION
AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE
GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND
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THE FORMATION OF MASS. PIKE TOWERS ASSOCIATES

The above-captioned Application is hereby amended as follows:

By adding after Article "I Zoning" at Page 11 of
"Exhibit E" to the Application a new paragraph,
under said Article I, which reads as follows:

"The Authority authorizes the Applicant to
install in Bay G-14, 350 Tremont Street, Boston; floors,
walls, ceiling surface finish materials, electrical,
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of the Project as a residential community. Said restaurant
to be constructed in accordance with the plans submitted
to and approved by the Authority."

MEMORANDUM

APRIL 5, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON FIRST AMENDMENT TO THE APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND CHAPTER 652 OF THE ACTS OF 1960 AND FOR CONSENT TO THE FORMATION OF MASS. PIKE TOWERS ASSOCIATES.

On February 25, 1971, the Authority voted to adopt a Report and Decision under Chapter 121A of the Massachusetts General Laws and Chapter 652 of the Acts of 1960 and consented to the formation of Mass. Pike Towers Associates as a 121A corporation. On March 1, 1971, the Mayor of the City of Boston approved said Report and Decision.

The approved Application provides for the commercial uses of much of the first floor areas of the Project, comprising some 16,693 square feet. The applicant has expressed a desire to replace one of the commercial spaces with a Take-Out Pizza Restaurant. The concept of and the plans for this restaurant have been approved by the Authority staff, with certain reservations which the Applicant has agreed to and which will be set forth in the Report and Decision. The Restaurant is to be located in "Bay G-14" at 350 Tremont Street. However, a take-out restaurant is a "Conditional Use" under Article 8 (8-7-36A) of the Boston Zoning Code. Therefore, as this conditional use was not set forth under Exhibit "E" of the aforesaid Application; "STATEMENT OF PERMISSIONS REQUIRED FOR PROJECT TO DEVIATE FROM ZONING AND OTHER LAWS", an amendment is accordingly necessary to incorporate this deviation into the Report and Decision.

In the opinion of the General Counsel this amendment does not represent a fundamental change and does not require a public hearing.

It is therefore recommended that the Authority adopt the attached Report and Decision approving the First Amendment to said Application.

An appropriate Vote follows:

VOTED: That the Document presented at this meeting entitled "Report and Decision on the First Amendment to the Application for Authorization and Approval of a Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for Consent to the Formation of Mass. Pike Towers Associates" be and hereby is adopted.